UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,138	11/28/2001	Yung-Chih Lin	B-4402 619348-7	3415

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EXAMINER
GIANOLA, JOHN F

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/997,138	LIN, YUNG-CHIH
	Examiner	**Art Unit**	
	John F Gianola	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 November 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 1-11 are rejected under 35 U.S.C. 101 because the claimed inventions, respectively, are directed to non-statutory subject matter. Claims 1-11 are directed towards "A virtual email server system to allow at least one PDA to receive email." Per the Manual of Patenting Procedure (MPEP) 2106, functional descriptive material becomes statutory when it "...is recorded on some computer-readable medium..." Computer code alone constitutes "functional descriptive material" and as such, is not statutory subject matter. The inventions in these two claims are directed towards a computer program that "allow[s]" a PDA to receive email, not functional descriptive material that is interrelated to a medium. As such, these claims disclose non-statutory inventions.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-19 rejected under 35 U.S.C. 102(b) as being anticipated by David

Pogue "PalmPilot: The Ultimate Guide" (see attached Notice of References Cited).

5.   As to Claim 1:

a database (see page 434, paragraph 4, lines 2-3; page 440, paragraphs 3 and

4);

a pre-process agent for receiving a signal to query identity information for the last

message in the database (see page 437, paragraph 4), and output the identity

information, receiving an internally formatted message and storing the internally

formatted message to the database (see page 434, paragraph 4, and page 440,

paragraphs 3 and 4), and fetching the internally formatted message from the

database and sending the internally formatted message to the PDA through a

network when receiving a message receiving signal from the PDA (see page

434, paragraphs 3 and 4 as well as paragraph 6, lines 1 and 2);

a mail agent for outputting the query signal, receiving the identity information and

checking the incoming message server according to the identity information, and

receiving a new message received after the last message from the incoming

message server and forwarding the new message (see page 434, paragraphs 3

and 4); and

a content converter agent for receiving the new message forwarded from the mail

agent, transforming the new message into the internally formatted message, and

outputting the internally formatted message (see page 435, paragraph 4).

6.   As to Claim 2:

A schedule agent for setting a schedule and outputting a startup signal when the

schedule is implemented (see page 434, paragraph 7).

7.   As to Claim 3:

Wherein the mail agent further receives the startup signal and outputs the query

signal based thereon (see page 434, paragraph 6, lines 1-2).

8.   As to Claim 4:

Wherein the schedule can be set by a computer couple with the schedule agent

through the Internet (see page 168, paragraph 5).

9.   As to Claim 5:

Wherein the schedule can be set by the PDA coupled with the schedule agent

through a wireless network (see page 434, paragraph 7).

10.   As to Claim 6:

Wherein the mail agent outputs the query signal after a predetermined time

interval (see page 434, paragraph 7).

11.   As to Claim 7:

Wherein the predetermined time interval can be set by a computer through the

Internet (see page 168, paragraph 5).

12.   As to Claim 8:

Wherein the predetermined time interval can be set by the PDA though a

wireless network (see page 434, paragraph 7).

13.   As to Claim 9:

Wherein the internally formatted message has a format recognized by the PDA

(see page 434, paragraph 5 and page 436, paragraph 4).

14.   As to Claim 10:

An outgoing message server coupled with the mail agent (see page 440,

paragraphs 1 and 2).

15.   As to Claim 11: .

Wherein the PDA sends a new edited message to the mail agent (see page 434,

paragraph 4) through a wireless network (see page 431, paragraph 2, line 2) and

then the mail agent sends the new edited message to the outgoing message

server (see page 434, paragraph 4).

16.   As to Claim 12:

An outgoing message server (see page 434, paragraph 4; and page 440,

paragraphs 1 and 2);

An incoming message server (see page 434, paragraph 4; and page 440,

paragraphs 3 and 4) ; and

A virtual server, comprising:

A database (a database of email data is implied on page page 440, paragraph 4);

A pre-process agent to receive a signal querying identity information for the last

message in the database and output the identity information (see page 437,

paragraph 4), receive an internally formatted message and store the internally

formatted message to the database (see page 440, paragraph 4), fetch the

internally formatted message from the database and output the internally

formatted message when receiving a message receiving signal (see page 434,

paragraph 4);

A mail agent for outputting the query signal after a predetermined time interval

(see page 434 paragraph 7), receiving the identity information and checking and

receiving at least one new message in the incoming message server according

to the forwarding the new message, and receiving and sending the new edited

message server (see page 434, paragraphs 3 and 4);

A content converter agent for receiving the new message forwarded from the

mail agent, transforming the new message into the internally formatted message,

and outputting the internally formatted message (see page 434, paragraph 5);

and

A PDA coupled to the virtual server through a wireless network to output the

message receiving signal, receive the internally formatted message, and send

the new edited message (see page 431, paragraph 2).

17.   As to Claim 13:

Wherein the virtual server further comprises a schedule agent for setting a

schedule (see page 434, paragraph 7), and outputting a startup signal when the

schedule is implemented (see page 434, paragraph 6, line 3).

18.   As to Claim 14:

Wherein the mail agent further receives the startup signal and outputs the query

signal based thereon (see page 434, paragraph 6, line 3 and paragraph 2, lines

1-2 and paragraph 3, line 1).

19.   As to Claim 15:

Wherein the schedule can be set by a computer coupled with the schedule agent

though the Internet (see page 168, paragraph 5).

20.   As to Claim 16:

Wherein the schedule can be set by the PDA coupled with the schedule agent

through a wireless network (see page 434, paragraph 7).

21.   As to Claim 17:

Wherein the predetermined time interval can be set by a computer through the

Internet (see page 168, paragraph 5).

22.   As to Claim 18:

Wherein the predetermined time interval can be set by the PDA through a

wireless network (see page 434, paragraph 7).

23.   As to Claim 19:

Wherein the internally formatted message has a format recognized by the PDA

(see page 434, paragraph 5 and page 436, paragraph 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John F Gianola whose telephone number is (571)272-

3848. The examiner can normally be reached on Mon - Fri (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Valencia Martin-Wallace can be reached at (571)272-6159. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfg

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